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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,046	12/29/2000	John Elmore Schier	062891.0489	9011

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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,046

Applicant(s)

SCHIER, JOHN ELMORE

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive.

As per claim 10, it is argued by the applicant that the prior art rejection based on Ketcham fails to recite "receiving a request via an input device to process the electronic communication, the request process selected from the group consisting of a forward request, a send request, a save request, a delete request, a reply request, and a check request. It is additionally argued that the authentication card of Ketcham is used for authenticating a user of the system. The examiner respectfully disagrees. Ketcham discloses one form of an input device through use of an authentication card that is placed in a card reader that is coupled to another input device, a remote terminal, that is used to establish a communication channel with a remote server (col. 3, line 65 through col. 4, line 1). Through use of the remote terminal, access is requested to the computer network (col. 8, lines 50-51). The authentication card is associated with the remote terminal because authentication is required in order to gain access (col. 2, lines 51-55). The requested access of Ketcham still meets the applicant's claim limitations.

As per claim 25, it is argued by the applicant that that Ketcham fails to disclose of "processing an email upon receiving a valid request from the input device to forward, send, save, delete, reply, or check the email." It is further argued that Ketcham only discloses of "the mobile subscriber identifier and its corresponding encryption key" is

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received from the authentication card. The examiner respectfully disagrees. Ketcham discloses one form of an input device through use of an authentication card that is placed in a card reader that is coupled to another input device, a remote terminal, that is used to establish a communication channel with a remote server (col. 3, line 65 through col. 4, line 1). Through use of the remote terminal, access is requested to the computer network (col. 8, lines 50-51). The authentication card is associated with the remote terminal because authentication is required in order to gain access (col. 2, lines 51-55). The requested access of Ketcham still meets the applicant's claim limitations.

2. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

It is argued that the rejection of claims 31-37 has failed to make a prima facie case of equivalence as required by MPEP 2183 for any of the 35 USC 112, paragraph 6 claim limitations. The examiner has shown the prior art limitations matched with the applicant's claim limitations in brackets next to the equivalent terms. Please refer to the rejection below.

3. The examiner notes that the applicant has not seasonably challenged the examiner's use of official notice taken as per claim 34. By the applicant not challenging the examiner's use of official notice is an indication that the limitation of "a medium, including encoded logic for processing electronic communications" is admitted prior art. Please see MPEP 2144.03(c).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on February 19 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 10-12, 14-19, 25-29, and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Ketcham.

As per claims 10, 25, and 31, it is disclosed by Ketcham of a method and apparatus (system) for providing an authenticated (electrical/email) communication channel (col. 3, lines 13-15). A communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic/email communication) is then permitted (col. 4, lines 7-15). Ketcham discloses one form of an input device through use of an

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authentication card that is placed in a card reader that is coupled to another input device, a remote terminal, that is used to establish a communication channel with a remote server (col. 3, line 65 through col. 4, line 1). Through use of the remote terminal, access is requested to the computer network (col. 8, lines 50-51). The examiner is interpreting the requested access to include a send request since access is requested by Ketcham.

As per claims 11 and 32, Ketcham teaches of an authentication card (input device comprising a portion of memory) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted (retrieved) from the authentication card (input device comprising a portion of memory)(col. 3, line 65 through col. 4, line 4). The information is then authenticated (comparison to determine if the input valid) based on the authentication (identification) key (col. 4, lines 7-11).

As per claims 12 and 33, Ketcham recites of a communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (comparison to determine if the input verified) based on the authentication (identification) key (col. 4, lines 7-11). Figure 1 shows the authentication card (input device) connected to the terminal device by means of a port.

As per claim 14, Ketcham recites of a communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic/email communication) is then permitted (col. 4, lines 7-15). It is inherent that the it is determined if the request originated from the authentication card (input device) since the user, located at the remote terminal by using the authentication card (input device), needs to be authenticated prior to permitting access (col. 2, lines 51-55 and col. 3, line 63 through col. 4, line 11).

As per claim 15, Ketcham teaches of an authentication card (input device comprising memory) is placed into the remote terminal and corresponding authentication (identification) key is extracted (retrieved) from the authentication card (input device comprising memory)(col. 3, line 65 through col. 4, line 4).

As per claims 16 and 17, Ketcham recites of a communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication

(identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It is inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (one or more buttons), menus and various others in order for the user to select and execute them.

As per claim 18, Ketcham discloses of an (user) interface associated with the remote terminal that accepts the authentication card (input device)(col. 3, line 65 through col. 4, line 1 and col. 5, lines 8-11). It is inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 19, Ketcham teaches of generating a data encryption key (encrypted device identifier) for use in (electronic) communications between the remote terminal comprising the authentication card (input device) and network server (col. 3, lines 25-30 and col. 4, lines 28-34).

As per claim 26, Ketcham recites of an authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It is inherent that function buttons are displayed to the user by means of the (user) interface in order to present an

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environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 27, Ketcham discloses of a communication request that is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (verified) based on the authentication (identification) key and information exchanges (email) is then permitted (col. 4, lines 7-15).

As per claim 28, Ketcham recites of a communication (email) request is initiated at a remote terminal to establish a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (email) is then permitted (by means of a software function)(col. 4, lines 7-15).

As per claim 29, Ketcham teaches of generating a data encryption key (encrypted device identifier) for use in communications (email) between the remote terminal comprising the authentication card (input device) and network server (col. 3, lines 25-30 and col. 4, lines 28-34).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketcham in view of Golan.

The teachings of Ketcham disclose of providing an authenticated (electrical) communication channel (col. 3, lines 13-15). The teachings are silent in disclosing of quarantining the email upon determining that the input device is not valid and notifying a user. It is disclosed by Golan of executing in a secure mode in that every software component (email) is executed in a secure sandbox (quarantine)(col. 2, lines 19-25). When it is detected that a downloaded component (email) attempts to commit an action that breaches security (determined that the input device is not valid), the component's (email) execution is halted and a warning is issued to the user (col. 4, lines 58-61). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to protect against malicious code from infecting a computer system. Golan recites motivation for the use of a secure sandbox (quarantine) by reciting that software components (email) can be executed in a secure sandbox (quarantine) and when the software (email) attempts an action that is a breach of a security policy, execution is halted (col. 2, lines 19-28) as a means of preventing such actions as information theft and leakage of sensitive data (col. 1, lines 29-34). The

teachings of Ketcham would have benefited from the disclosure of Golan as a means of prevention of an attack on sensitive data associated with a user.

5. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketcham.

As per claim 34, it is disclosed by Ketcham of an apparatus for providing an authenticated (electrical) communication channel (col. 3, lines 13-15). A communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). The teachings of Ketcham are silent in disclosing the use of a medium including encoded logic for processing electronic communications. The examiner hereby takes official notice that the use of a medium including encoded logic is notoriously well known. The software program (encoded logic) and necessary hardware (processor and memory) to perform the necessary tasks are notoriously known to one of skill in the art as an essential part of computing. It is obvious that the teachings exist in the form of a software program (encoded logic) and are utilized by the hardware, namely stored in memory and a processor interprets, processes, and performs the task of providing an authenticated (electrical) communication channel.

As per claim 35, Ketcham recites of an authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic communication) is then permitted (col. 4, lines 7-15). It is inherent that function buttons are displayed to the user by means of the (user) interface in order to present an environment to a user that displays programs, files, icons (buttons), menus and various others in order for the user to select and execute them.

As per claim 36, Ketcham discloses of a communication request that is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then authenticated (verified) based on the authentication (identification) key and information exchanges (email) is then permitted (col. 4, lines 7-15).

As per claim 37, Ketcham recites of a communication (email) request is initiated at a remote terminal to establish a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The

information is then authenticated (validated) based on the authentication (identification) key and information exchanges (email) is then permitted (by means of a software function)(col. 4, lines 7-15).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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CR

April 20, 2004